

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 8, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Consent to Revocable Permit of Lands under Governor's Executive Order No. 4097 to the Department of Business, Economic Development and Tourism, Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 009.

CONTROLLING AGENCY (of subject executive order):

Department of Business, Economic Development and Tourism (DBEDT)

APPLICANT (requesting lease):

ABC Television Studios

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: R-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor's Executive Order No. 4097 to Department of Business, Economic Development and Tourism for Film Studio and Related Purposes.

PERMIT TERMS & CONDITIONS:

LOCATION:

State Film Studio facility situated at Honolulu, Oahu, identified by Tax Map Key: (1) 3-1-042:portion of 009, as shown on the attached map labeled Exhibit A.

AREA:

7.5 acres, more or less.

CHARACTER OF USE:

Film studio and related activities related to the production of the television series "The River".

TERM:

Month-to-month basis, tentatively scheduled to commence on or about July 8, 2011.

RENT AMOUNT:

To be determined and approved by the Director of DBEDT. See Remarks.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing." See Exhibit B.

DCCA VERIFICATION:

Film Office advised the staff that they have been informed by the Department of the Attorney General that it is not a requirement that the film production applicants be registered with DCCA.

REMARKS:

DBEDT, by email, request the Board consent to the issuance of a monthly revocable permit to ABC Television Studios over portion of the film studio for activities related to the production of the television series, "The River".

At the time of writing this submittal, staff understands that the name of the applicant could be changed, as it is not uncommon for the production company setting up one separate company to handle one project. In addition, rent for the proposed permit is being negotiated between DBEDT and the applicant. In view of the scheduled commencement

date of the permit and the Board schedule, DBEDT will not have time to bring the issue of applicant name, rent to the Board for approval. Therefore, staff recommends the Board authorize the director of DBEDT to accept any change in the applicant's name, provided the applicant is related to the production of the subject television series, and approve the rent of the proposed permit.

Staff did not solicit comments from other agencies since the request pertains to the existing use of the facility.

The proposed permit is consistent with the purpose of the set aside. There are no other pertinent issues or concerns. Staff has no objection to the request.


RECOMMENDATION: That the Board

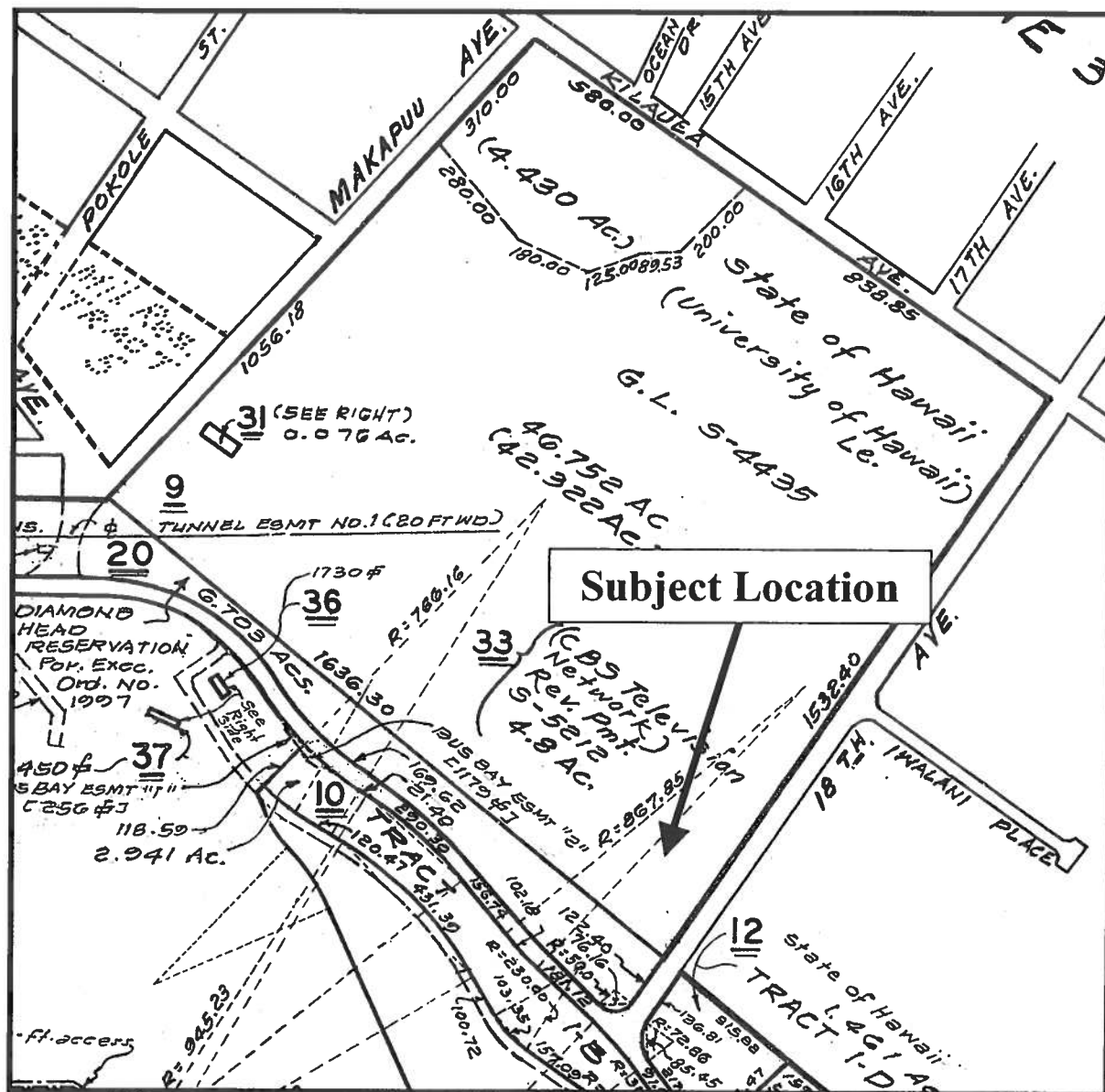
- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- B. Consent to the revocable permit between the Department of Business, Economic Development and Tourism and ABC Television Studios, subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following:
 1. Authorize the subject requests to be applicable in the event of a change in the name of the applicant, provided the succeeding applicant is related to the production of the subject television series.
 2. Authorize the Director of the Department of Business, Economic Development and Tourism to determine the rent;
 3. Review and approval by the Department of the Attorney General; and
 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

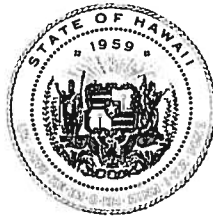

William J. Aila, Jr., Chairperson



TMK (1) 3-1-042:portion of 009

EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 8, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND COASTAL RESTORATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Consent to Issuance of Revocable Permit of Lands under Governor's Executive Order

Project / Reference No.: EO 4097

Project Location: Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 009.

Project Description: Film Production Studio

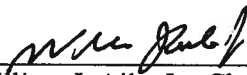
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing"

The proposed permit pertains to the use of the existing film studio. As such staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties Not applicable

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


William J. Aila, Jr., Chairperson

6/23/11
Date

EXHIBIT B